

respectfully moves the Court to postpone the deadlines established by the Court's Initial Pretrial Order, and states the following in support:

1. The Court entered its Initial Pretrial Order on November 8, 2012, setting the discovery cutoff and dispositive motion deadline for March 29, 2013. A dispositive motion hearing is scheduled for April 22, 2013.

2. Plaintiff Powell Valley Health Care, Inc. (PVHC) and Defendant/Crossclaimant HealthTech recently settled and fully resolved all of PVHC's claims against HealthTech. An Order granting the Stipulated Motion to Dismiss with Prejudice Plaintiff's Claims Against Defendant/Crossclaimant HealthTech Management Services, Inc. was entered on February 15, 2013.

3. PVHC and HealthTech continue to have a variety of claims against Defendants Paul Cardwell and Michael Plake, including Fraud/Theft, Intentional Misrepresentation, Breach of Contract, Breach of the Implied Covenant of Good Faith and Fair Dealing and Negligence. There are also criminal charges pending against both Defendants.

4. Defendant Cardwell has been a fugitive from justice since approximately August 2012. As a result, the Court vacated Cardwell's criminal trial scheduled for September 18, 2012.

5. On September 17, 2012, Defendant Plake pled guilty to one count of conspiracy to commit mail and wire fraud and one count of conspiracy to launder money, pursuant to a plea agreement with the United States. Plake's sentencing was originally scheduled for November 26, 2012 but has been continued to February 25, 2013, presumably because the criminal charges pending against him in Indiana are in the process of being transferred to Wyoming.

6. Plake is expected to plead guilty to additional charges during the February 25 sentencing, and his sentence may include an order of restitution. Such an order could obviate the need for discovery relating to HealthTech and PVHC's claims and could even eliminate the need to pursue a civil judgment against Plake. In addition, a final criminal judgment against Plake could simplify the summary judgment proceedings against Cardwell as Plake's co-conspirator.

7. Thus, HealthTech requests additional time to complete discovery and file dispositive motions based on the pendency of the criminal case and the impacts it could have on the civil case. In addition, HealthTech requests postponement of the deadlines based on the recent settlement between PVHC and HealthTech, which has prompted various subrogation issues that must be considered and addressed by the parties.

8. In compliance with the Local Rules, counsel for HealthTech has conferred with counsel for the other parties to this matter. Counsel for PVHC and Plake state they have no objection to this motion. Counsel for Cardwell states he has had no communication with his client for several months and does not believe he has authority to take a position on this motion.

WHEREFORE, HealthTech respectfully requests that the Court grant a 30-day extension of the discovery cutoff and dispositive motion deadline and reschedule the dispositive motion hearing accordingly.

DATED: February 21, 2013.

/s/ Joanna R. Vilos

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CERTIFICATE OF SERVICE

I hereby certify that on February 21, 2013, I served a true and correct copy of the foregoing by CM/ECF addressed to the following:

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